

REMARKS/ARGUMENTS

The present remarks are in response to the non-final Office Action mailed on February 9, 2006. Claims 1-20 are pending in the present patent application. Claims 7-9 and 13-20 have been withdrawn from consideration. Claims 1-6 and 10-12 stand rejected.

The Abstract was objected to by the Examiner. Appropriate corrections have been made in the above amendments to the Specification. Accordingly, the Applicants request that the Examiner withdraw the present objection.

The Examiner has also objected to the spelling of "micro-shaving elements" in the claims as being spelled "microshaving" or "micro shaving" in some instances. The claims¹ have been amended above to make the spelling of the term consistent throughout the claims. Accordingly, the Applicants request that the Examiner withdraw the present objection.

Claim 1 was amended to incorporate the subject matter of claim 4. Applicant submits that no new matter was added to the application in making the amendment. Claim 4 was cancelled. Claim 5 was amended to depend from claim 1.

4. Claims 1, 2, 4, 5 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,216,561 to Dischler (hereinafter "the '561 patent")

With regard to the rejection of claim 1, the Examiner stated:

Dischler discloses a micro-replicated shaving surface as claimed, including: a substrate (63); a plurality of longitudinal micro-shaving elements (64) projecting outwardly from a surface of the substrate (63), said micro-shaving elements being arranged in at least one row with each micro-shaving element (64) being spaced from an approximately parallel to the next successive micro-shaving element (64); and wherein each of said plurality of micro-shaving elements (64) defines a cutting edge (22) extending longitudinally thereof.

(See Office Action of February 9, 2006, p. 3, ¶1). With regard to claim 4, the Examiner stated, "Dischler discloses said longitudinal micro-shaving elements (64) defin[ing] a substantially triangular cross-section." (See Office Action of February 9, 2006, p. 3, ¶13).

Claim 1, as amended, reads as follows:

¹ Claims 1 and 11 were amended to correct the spelling of "micro-shaving elements."

1. A micro-replicated shaving surface comprising:
 - a substrate;
 - a plurality of longitudinal micro-shaving elements projecting outwardly from a surface of said substrate, said micro-shaving elements being arranged in at least one row with each micro-shaving element being spaced away from and approximately parallel to the next successive micro-shaving element; and wherein
 - each of said plurality of micro-shaving elements defines a cutting edge extending longitudinally thereof; and
 - at least one longitudinal micro-shaving element defines a substantially triangular cross section.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” MPEP 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). The Applicants submit that the cited prior art reference does not teach or suggest all of the recitations of claim 1.

The ‘561 is directed to various embodiments of safety razor heads having an intrinsically fenced unitary blade oriented at a high slicing angle to the shaving direction. The unitary blade comprises a plurality of short blade edges in a spaced relationship across the width of the blade, bounded by leading and trailing guards, and oriented at an angle greater than 30 degrees, resulting in enhanced cutting action, improved lubricant and debris flow, and longer life.

The Examiner has not provided guidance as to where in the specification of the ‘561 patent blades having a triangular cross-sectional area are disclosed. The cross-sectional shape of blades disclosed in the ‘561 patent are shown in FIGS. 6, 9-11, and 14-16. Each of the above figures is reproduced below for convenience.

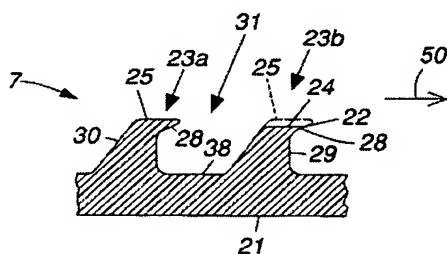


FIG. 6

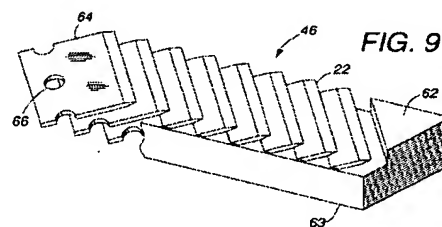


FIG. 9

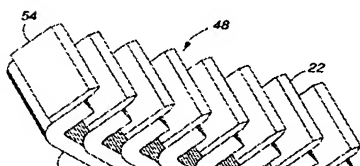
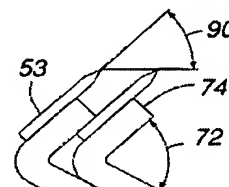


FIG. 10 page 7 of 11



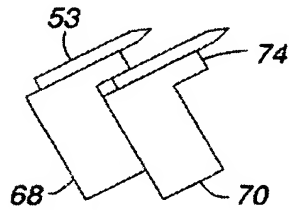


FIG. 11B

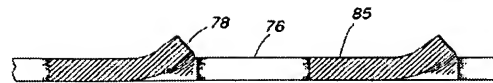


FIG. 14A

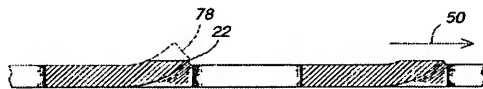


FIG. 14B

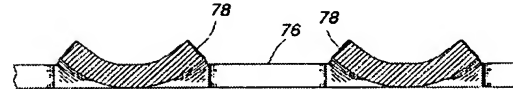


FIG. 15A

Unlike claim 1 of the '561 patent, the '561 patent does not disclose a blade having a triangular cross-section.

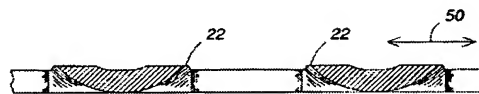


FIG. 15B

the '561 patent simply does not disclose a blade having a triangular cross-section.

i. 6, the blade on the left (23a) is shown in the near net extruded shape and the blade on the right is shown after the grinding step. On the left, the blade (23) is shown as having a base portion extending upwards from the base (21) and an additional portion defined by the unground edge (25) and the acute wall (28) extending from the base portion horizontally to the right. The unground edge of blade 23a is then ground in a direction parallel to the blade base (21) to form a cutting edge. Therefore, not only does FIG. 6 not show a triangular cross-section, it teaches away from having a triangular shape by forming the blade edge in a grinding process where the top of the blade (23b) is ground off to form a cutting edge. (See '561 patent, col. 8, lines 43-50).

In FIGS. 9-11, the '561 patent teaches using a traditional style blade made of a strip of steel and having a ground edge.² These blades do not have a triangular cross-section.

In FIGS. 14-15, foil blades are shown that are made of holes having sharpened edges. The cutting edges "may be due to the thinness of the strip, or the subsequent grinding of the strip surface" as shown in FIGS. 14-15. (See '561 patent, col. 10, lines 6-7). These blades also do not have triangular cross-sectional areas.

Accordingly, the Applicants submit that because the '561 patent fails to disclose at least one longitudinal micro-shaving element having a substantially triangular cross-sectional area, the '561 patent can not anticipate claim 1 of the present application, as amended. Favorable reconsideration of the present rejection in light of the above amendments and remarks is requested.

Claims 2, 5 and 11 depend from claim 1 and therefore are also allowable over the cited prior art for at least the same reasons stated above with respect to claim 1, as well as by virtue of the additional limitations included therein.

7. Claims 3 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the '561 patent in view of U.S. Patent No. 3,940,293 to Polk et al (hereinafter "the '293 patent")

Claims 3 and 12 (which both depend from claim 1) recite, *inter alia*, a longitudinal micro-shaving element having a substantially triangular cross-sectional area. As noted above, the '561 patent does not disclose the above-noted claim recitation. The '293 patent does not cure this noted deficiency. The '293 patent discloses metal alloys in an amorphous state that are employed in the fabrication of cutting implements such as razor blades or knives. Accordingly, the cited prior art does not teach or suggest each and every recitation of claims 3 and 12. Favorable reconsideration of the present rejection to these claims is, therefore, requested.

² "A composite unitary blade 46 is illustrated in FIG. 9, which comprises blades 64 with cutting edges 22..." (See '561 patent, col. 9, lines 45-46).

8. Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the '561 patent in view of the Examiner's remarks

Claim 6 (which depends from claim 1) recites, *inter alia*, a longitudinal micro-shaving element having a substantially triangular cross-sectional area. As noted above, the '561 patent does not disclose the above-noted claim recitation.

The Applicants further note that the Examiner's remarks, which are believed to be directed to FIG. 6, are not on point with respect to the rake angles of the present patent claim. Rather, the comments discuss either the facets of the base (30) of the blades (23a and 23b) or the ground surface (24) and acute wall (28). However, because the blade shown in FIG. 6 of the '561 patent is not triangular (i.e., blade 23b of FIG. 6 clearly consists of two portions: 1) a base portion (29 or 30); and 2) a tip portion formed from the ground edge (24) and the acute wall (28) - both of which extend from the base (21)), it also can not have a blade defining the rake angles recited in claim 1. As discussed above, the fact that blade 23a is ground at an angle parallel to the base (21) confirms that the '561 patent can not have and, in fact teaches away from having, a triangular cross-sectional area. "[A] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." MPEP 2141.02 (*citing W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Accordingly, because the '561 patent does not teach or suggest – and in fact teaches away from – the present invention, it cannot render claim 6 obvious. Favorable reconsideration is therefore requested.

9. Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the '561 patent in view of U.S. Patent No. 5,983,756 to Orloff

Claim 10 (which depends from claim 1) recites, *inter alia*, a longitudinal micro-shaving element having a substantially triangular cross-sectional area. As noted above, the '561 patent does not disclose the above-noted claim recitation. The '756 patent does not cure this noted deficiency. The '756 patent discloses a method for forming a blade having circular apertures with sharpened edges. As opposed to the traditional grinding and deburring method, the present invention utilizes electrochemical machining, electrical discharge

machining, electrolytic machining, laser-beam machining, electron-beam machining, photochemical machining, ultrasonic machining, and other non-traditional methods to sharpen and form the blade edges. Accordingly, the cited prior art does not teach or suggest each and every recitation of claim 10. Favorable reconsideration of the present rejection of claim 10 is, therefore, requested.

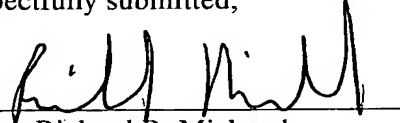
Summary

In summary, applicants have addressed each of the Examiner's objections and traversed each rejection. Applicants therefore respectfully request that the objections and rejections be withdrawn and the present application be passed onto allowance.

A check in the amount of \$120.00 is enclosed for a one-month extension of time. No additional fees are believed to be due with the filing of the present Amendment and Response. However, if it is determined that fees are required, please charge our Deposit Account No. 503342, maintained by the Applicants' attorney.

Respectfully submitted,

By



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